

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE,)	Case No. 2:12-cv-01201-RSM
)	
Plaintiff,)	STIPULATED MOTION FOR LIMITED
v.)	LIFT OF STAY FOR LEAVE TO FILE
)	THIRD AMENDED COMPLAINT AND
SEATTLE IRON & METALS CORP.,)	ANSWER AND ORDER
)	
Defendant.)	
_____)	

I. MOTION

Plaintiff Puget Soundkeeper Alliance (“Soundkeeper”) and Defendant Seattle Iron and Metals Corp. (“SIMC”) move the Court for a limited lift of stay for leave for Soundkeeper to file a third amended complaint, a draft of which is attached as **Exhibit A**, and for SIMC to file an answer to that amended complaint.

II. STATEMENT IN SUPPORT

This case is a Clean Water Act (“CWA”) and Resource Conservation and Recovery Act (“RCRA”) citizen suit in which Soundkeeper alleges that SIMC is in ongoing violation of RCRA

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1 and the CWA. On October 28, 2013, this Court granted the parties' Joint Motion for Stay of
2 Proceedings, staying further proceedings in this matter until the resolution of separate
3 proceedings before the Washington State Pollution Control Hearings Board ("PCHB") (Dkt. 16).
4 In 2014 the Court granted the parties' respective motions to lift the stay for the limited purpose
5 of filing amended pleadings (Dkt. 20, 23). In their joint status report filed on November 30,
6 2017, Dkt. 35, the parties proposed a process for reopening this case, beginning with a limited
7 lift of the stay to allow the parties to file updated pleadings. In particular, Soundkeeper wishes to
8 file a third amended complaint to reflect alleged CWA violations that have occurred since it last
9 amended its complaint, as set forth in Soundkeeper's May, 2017 CWA notice letter to SIMC.
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12 SIMC joins in this motion to request that the stay also be lifted to allow SIMC to file an
13 answer to Soundkeeper's third amended complaint. The parties agree that SIMC's willingness to
14 have the stay lifted to allow for the filing of Soundkeeper's third amended complaint is not an
15 admission by SIMC as to any of the facts or claims alleged by Soundkeeper, and that SIMC
16 preserves any and all defenses to Soundkeeper's allegations.
17

18 III. CONCLUSION

19 Based on the foregoing, the parties jointly move this Court for a partial and limited lift of the
20 stay to allow the parties to update their pleadings.
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22 RESPECTFULLY SUBMITTED, this 12th day of December, 2017.
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ORDER

The Court GRANTS the parties' Stipulated Motion for Limited Lift of Stay for the sole purpose of allowing Plaintiff leave to file its third amended complaint, and allowing Defendant leave to file an answer to Plaintiff's third amended complaint.

Dated this 13 day of December, 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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